

BOARD APPROVED MAY 12, 2009

COMMONWEALTH OF KENTUCKY

KENTUCKY BOARD OF HOME INSPECTORS

101 Sea Hero Road

Suite 101

Frankfort, Kentucky 40601

April 14, 2009

9:00 A.M.

MEMBERS PRESENT

D. Michael Green , Chair
Michael Patton, Vice Chair
Linda Swearingen
William Welty, Sr.
Mark Schmidt
J.R. Bone
Michael Powers, Proxy for Commissioner Richard Moloney

MEMBERS ABSENT

Richard Flora
Ralph Wirth

STAFF PRESENT

Michael Bennett, Staff Attorney
Wendy Anderson, Secretary

GUESTS

Carolyn Quisenbury, A-Pass Weikel
Don Gaines, A-Pass Weikel
Bud Wenk, KREIA
Steve Keeney, Professional Learning Institute
Lorri Keeney, Professional Learning Institute

Chair called the Board to order at 9:15 AM and directed the other members of the Board to review and propose changes to the March 10, 2009 minutes. Changes were made. Mr. William Welty, Sr. moved the Board to accept the minutes with changes and Ms. Linda Swearingen seconded the Motion. Motion carried unanimously.

New Business

A) Proposed Board Sponsored Continuing Education

Mr. Mark Schmidt of the Board's Sponsored Continuing Education Committee presented dates to the Board for the Board Sponsored Continuing Education. He advised the Board of the open dates of the three state parks where the classes will be held: Kentucky Dam Village, General Butler State Park and Natural Bridge State Park. Mr. Mike Powers moved the Board to allow the committee to proceed to approve or select the best available dates. Mr. Welty seconded the Motion and the Motion carried unanimously.

The Committee advised the Board there was only one available date for a couple of the parks. General Butler State Park's only available date would be November 6th through 8th and the Natural Bridge State Park's only available date would be October 31st. The Board decided the Kentucky Dam Village date should be October 24th.

B) Regulations

Staff Attorney Mr. Mike Bennett started to review the changes to 815 KAR 6:010. The Chair believed the Board would review 815 KAR 6:030. There was confusion as to which regulations were approved and not approved. The Chair decided to review the regulations later and move on to something else.

C) Pre-licensing Approval

The Chair explained to the Board that National Property Inspections, Inc. was a Board approved pre-licensing provider from August 2006 to August 2008. The provider unintentionally allowed their certification to expire. In addition, a Kentucky home inspector applicant completed their course and was awaiting approval from the Board. The Board reviewed the application.

Ms. Swearingen questioned where the "hands on training" was held. The Chair said it was completed at their school in Omaha, NE. Ms. Lorri Keeney of the Professional Learning Institute questioned whether the application included a course in Kentucky Law and Regulations and Manufactured Housing. The Chair advised everybody he had not found a course in Kentucky Law and Regulations or Manufactured Housing. Ms. Swearingen said she found one hour of a general regulation class. The Board believed one hour was not enough. The Chair said he could not find a syllabus. The Secretary, Wendy Anderson, volunteered to call Mr. Randy Yates of National Property Inspections, Inc. The Chair told the Secretary to request from Mr. Yates a syllabus to determine whether the provider taught Kentucky Law and Regulation, Manufactured Housing and how they taught their 16 hours of fieldwork.

D) Responsibility of Home Inspectors to Submit to the State Office Their Insurance Renewals

The Secretary reported to the Board there were many home inspectors who had failed to submit an updated proof of general liability insurance. Mr. Powers drafted a letter to those inspectors. He drafted the following: failure to submit a proof of insurance after the deadline will give the Board no other choice than to revoke the home inspector license. Mr. J.R. Bone moved the Board to allow this letter to be sent to those who were delinquent. Mr. Welty seconded the Motion and it passed unanimously.

E) Home Inspector Renewals

The Board reviewed the renewal applications. They were disappointed with the quality of home inspector reports. The Chair queried for suggestions. Mr. Bone suggested staff could help the Board with a checklist. The Chair volunteered Mr. Bone to work with the Secretary for a checklist.

The following were approved without suggestions:

Joshua Salsman of Shelbyville
Russell Chad Gasser of Lexington

Some board members questioned whether they could renew applications submitted with an inefficient inspection report. The Board reviewed the statute and regulations. The language stated an inspector was required to submit a report, not a competent report. Therefore, they decided to approve the applicants with suggestion and the inspectors would be required to submit another home inspection report 90 days later. If the inspector submitted another substandard report, then the Board could request a licensee to complete education or other alternatives within the statutes or regulations. Mr. Welty moved the Board to approve the following applicants with suggestions. Mr. Schmidt seconded the Motion and it carried unanimously.

The following were approved with suggestions:

Patrick Thomason of Stamping Ground
Eric Doran of Louisville
Clyde Mullins of Danville
Chris Ivy of Mayfield
Clyde Carter, II of Frankfort

The Chair had more questions concerning the application of Justin Hendrix of Owensboro, KY. The Chair wondered whether he had completed a course on Kentucky Law and Regulations. He took the pre-licensing course at National Property Institute, Inc. Mr. Powers moved the Board to require Mr. Hendrix to submit a certificate indicating he completed a course in Kentucky Law and Regulation in 60 days. Mr. Welty seconded the Motion and the Motion carried unanimously.

Mr. Randy Yates of National Property Institute, Inc. called while the meeting was in session. The Chair spoke to Mr. Yates. After the call, the Chair reported to the Board he wanted Mr. Yates to provide the Board with a syllabus of his program so the Board could compare it to what the Board required, a certificate of completion for the Manufactured Housing and Kentucky Law and Regulations and how the lab work was performed. Mr. Welty moved the Board to table this issue to the next meeting. Mr. Schmidt seconded the Motion and it passed unanimously. Mr. Michael Patton, who arrived at the meeting at 11:15 A.M. due to a wreck on I-75 South, abstained.

F) New Licensee Applications for Kentucky Home Inspectors

Since Larry Morrow completed his pre-licensing course with National Property Institute, Inc., it would be tabled to the May board meeting.

Mr. Welty moved the Board to approve the following applicants and Ms. Swearingen seconded the Motion. Said Motion carried unanimously. The new Kentucky Home Inspector licensees are:

Robert Rich of Elizabethtown
William Box of Hanson
Brian Marcum of Lancaster
Matt Gullion of Salyersville
Kevin Simon of Louisville
Phil Duncan of Hebron
Daniel Lipp of Aveton
John Bennett of Fort Collins

The Secretary queried the Chair about Steve and Kathy Wolfe. Their licenses had expired. Mrs. Wolfe alleged her husband was in Iraq for the military. The Chair said if Mr. Wolfe served in the military, then he had to have official documents stating he was on active duty status and the Board would be required to license Mr. Wolfe. However, the Chair believed he was a private contractor. If that were the case, Mr. Wolfe would have to re-apply for a license. Mrs. Wolfe was required to re-apply for a license since she allowed her license to expire.

G) Bylaws

Mr. Bennett discussed the bylaws. He said bylaws were a framework for consistency. He said if there were any revisions, this would be the time to change it as long as the change would not conflict with the statutes.

Mr. Welty questioned whether the Governor still had the power to remove board members. Mr. Bennett said the Governor might remove members for unethical behavior.

Ms. Swearingen questioned why bylaws would be necessary. The Chair believed bylaws would be a beneficial to future boards. The Chair inquired whether the bylaws should add a committee for ethics issues when they arise. Mr. Welty suggested there be a

complaint form for ethics issues. Mr. Powers suggested there be a signed written statement from an anonymous complainant.

This was tabled for the next meeting.

H) Current Ethics Issue

Before the start of this issue, Mr. Welty declared he had to leave at 1 pm and Mr. Patton had to leave by 2 pm.

Mr. Bennett said pursuant to KRS 61 that this issue could become a subject of litigation against a board member or members on an ethics issue, this portion of the meeting should be in closed session. Mr. Steven Keeney of Professional Learning Institute4U requested Mr. Bennett for the exact statute he referred. Mr. Powers moved the Board to go into closed session to discuss the ethical concerns that may be the subject of future litigation of either the particular board members or outside parties. Mr. Welty seconded the Motion and the Motion carried unanimously.

Guests vacated

CLOSED SESSION

Mr. Schmidt moved the Board back into open session. Ms. Swearingen seconded the Motion and the Board unanimously carried the Motion. Mr. Bennett read the recommendation on behalf of the ethics committee chair Ms. Swearingen. Mr. Bennett stated Mr. Bone received benefits from KREIA in 2008, before the appointment to the Kentucky Board of Home Inspector. He was sworn to the Board January 9, 2009. Therefore, the committee recommended Mr. Bone had not committed any ethical violations. Mr. Green's tenure on KREIA terminated before he was named to the Board. Therefore, the committee recommended Mr. Green had not committed any ethical violations. Mr. Patton verified from his responses he had not received benefits from KREIA. Therefore, the committee recommended Mr. Patton had not committed any ethical violations.

Mr. Powers moved the Board to adopt the committee's recommendation in regard to Mr. Patton. Ms. Swearingen seconded the Motion and the Motion carried unanimously. Mr. Patton abstained.

Ms. Swearingen moved the Board to adopt the committee's recommendation in regard to Mr. Bone. Mr. Schmidt seconded the Motion and the Motion carried unanimously. Mr. Bone abstained.

Ms. Swearingen moved the Board to adopt the committee's recommendation in regard to Mr. Green. Mr. Powers seconded the Motion and the Motion carried unanimously. Mr. Green abstained.

Mr. Powers moved the Board for a lunch break. Mr. Schmidt seconded the Motion and it carried unanimously.

Lunch Break.

Ms. Swearingen moved the Board to resume board matters. Mr. Bone seconded the Motion and it carried unanimously.

Mr. Bennett advised Mr. Keeney and the Board the cite he requested was KRS § 61.810 (1) (F) closed session due to proposed or pending litigation.

Mr. Green instructed the staff to supply copies of all four regulations for the next board meeting May 12th.

I) Meeting Dates

The Chair advised the Board there may be some conflicts with other boards and this Board may have to meet in the hearing room next month. The Chair did not have a problem with the hearing room and inquired whether anyone had a problem with the hearing room. No one had a problem. Therefore, the next meeting will be scheduled for May 12th in the hearing room.

J) Reciprocity

The Secretary advised the Board there had been prospective inspectors from other states who were interested in becoming a Kentucky home inspector. Further, the Secretary suggested some reciprocity language. The Chair advised the Secretary since other states do not have an agreement with Kentucky, then reciprocity language would be difficult. Mr. Patton questioned whether other states have contacted us about reciprocity agreements. The Secretary said no.

K) Compliance Committee HIC # 01-3-13-09

Mr. Patton advised the Board the Compliance Committee recommended the above mentioned complaint be dismissed. The home inspector followed the standards of practice for HVAC units. Mr. Patton moved the Board to adopt the Compliance Committee recommendations. Ms. Swearingen seconded the Motion and the Motion carried unanimously. Complaint dismissed

L) Manufactured Housing Update

Before Mr. Welty left the meeting, he conferred with the Chair about the Board sponsoring a manufactured housing update. The Chair queried the Board what their feelings of a manufactured housing update. This would be free for Kentucky providers but non-providers would have to pay for the update. Mr. Bud Wenk of KREIA was concerned the Board would be interfering with private enterprises. Mr. Schmidt inquired why the Board they needed to sponsor a Manufactured Housing update. The Chair said the Board would do this since the providers pay a fee to offer their classes to licensees and the Board wants high quality classes to licensees.

Mr. Patton wanted to think about this more. Mr. Powers thought it would be a good idea to invite Betty Whitaker of KHMI and get her thoughts. Therefore, this issue is tabled to the next meeting.

M) Revisiting Board Sponsored Continuing Education

Mr. Powers queried the Board as to what classes should providers teach. The Board believed there should be a Kentucky Law and Regulation class for three hours, Manufactured Housing Class for three hours and a Effective Report Writing Class for two hours. Adding the report writing class would make an eight-hour day.

Right before the Board adjourned, Mr. Bennett discussed the Jesse Aronstein issue. He was curious whether Aronstein's statement in the February 2, 2009 letter be sufficient. Mr. Bennett agreed to draft another letter stating the Kentucky Home Inspectors would not recommend taking out FPE Circuit Breakers out of residences in Kentucky.

Mr. Patton moved the Board to adjourn and Ms. Swearingen second the Motion. The Board carried the motion unanimously.

MEETING AJOURNED

NEXT MEETING: Tuesday May 12th at 9:00 AM